

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION

STATE OF TEXAS, *et al.*,

Plaintiffs,

v.

U.S. DEPARTMENT OF  
TRANSPORTATION, *et al.*,

Defendants.

Case No. 5:23-cv-00304-H

**DEFENDANTS' NOTICE OF APPEAL**

Notice is hereby given this 23rd day of May, 2024, that Defendants the U.S. Department of Transportation, the Federal Highway Administration, Pete Buttigieg, in his official capacity as Secretary of Transportation, and Shailen Bhatt, in his official capacity as Administrator of the Federal Highway Administration, hereby appeal to the United States Court of Appeals for the Fifth Circuit from the Court's Final Judgment of March 27, 2024 (ECF No. 35), and from the opinions and orders on which it is predicated, including the Court's Memorandum Opinion and Order of March 27, 2024 (ECF No. 34).

DATED: May 23, 2024

Respectfully submitted,

BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney General

JULIE STRAUS HARRIS  
Assistant Branch Director

/s/ Michael P. Clendenen  
MICHAEL P. CLENDENEN  
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**Certificate of Service**

On May 23, 2024, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Michael P. Clendenen